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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 RICARDO LEE AGUILAR,

12 Plaintiff,

13 v.

14 CORRECTIONAL OFFICER ERIC
15 ROBERTSON, *et al.*,

16 Defendants.

No. 09-5532RBL/JRC

ORDER

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18 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
19 Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local
20 Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Before the court is plaintiff's motion
21 asking for appointment of counsel (Dkt. # 22). Defendants oppose the motion (Dkt. # 23).

22 There is no right to have counsel appointed in cases brought pursuant to 42 U.S.C. §
23 1983. Although the court can request counsel to represent a party pursuant to 28 U.S.C. §
24 1915(e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789
25 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984);
26 Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances

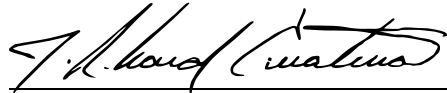
ORDER - 1

1 requires an evaluation of both the likelihood of success on the merits and the ability of the
2 plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.
3 Wilborn, 789 F.2d at 1331.

4 Plaintiff has demonstrated an adequate ability to articulate his claims pro se (Dkt # 5).
5 This is a case involving a lost or stolen ring and is not overly complex. This case is not in a
6 posture where the court can determine the likelihood of success on the merits. Plaintiff's Motion
7 to Appoint Counsel (Dkt. # 22) is **DENIED**.
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9 The Clerk's Office is directed to send plaintiff a copy of this order and remove (Dkt. #
10 22) from the Court's calendar.

11 DATED this 17th day of February, 2010.

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14 J. Richard Creatura
15 United States Magistrate Judge
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